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P A T E N T

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|             |  |                   |                     |
|-------------|--|-------------------|---------------------|
| Applicant:  | Jack A. DANT   | Confirmation No.: | 2345                |
| Serial No.: | 10/663,212   | Examiner:         | James L. Swiger III |
| Filed:      | September 15, 2003   | Group Art Unit:   | 3733                |
| Docket No.: | 1292.1225101   | Customer No.:     | 28075               |
| Title:      | APPARATUS AND METHOD FOR SPINAL DISTRACTION USING A FLIP-UP PORTAL |                   |                     |

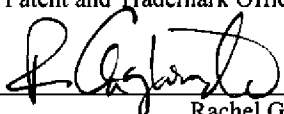
**AMENDMENT IN ACCORDANCE WITH 37 CFR §1.116 AF**  
**RESPONSE AFTER FINAL**

MAIL STOP: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE FOR ELECTRONIC TRANSMISSION:**

The undersigned hereby certifies that this paper or papers, as described herein, are being electronically transmitted to the U.S. Patent and Trademark Office on this 30th day of July, 2008.

By



Rachel Gagliardi

Dear Sir:

This Amendment is being filed in response to the Final Office Action of the Examiner mailed May 30, 2008, with a two-month priority response period set to expire on July 30, 2008, and a shortened statutory period set to expire on August 30, 2008. This paper is filed within the set priority period for response such that no extension of time is necessary.

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0413.

Please amend the above-identified patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.

/James L. Swiger/

08/14/2008